

BUCKLEY SANDLER

Formation, Charter & Structure Practice

The line between bank and nonbank is blurring as a global wave of innovation transforms the scope of financial services. Companies and entities that seek to stake their claim amid this transformation confront a combination of challenges that require adept navigation of structural, operational, and transactional matters.

Buckley Sandler provides collaborative, practical advice to master these challenges. We help financial institutions determine the right operating structure to deliver new products and services to clients. We help fintech companies, whether startup or established, assess and meet regulatory expectations. And we help private equity, venture capital, and other firms pursue investment opportunities arising from ongoing disruption in financial services.

These challenges have particular currency as regulators in the U.S. and abroad develop policies, proposals, and even charters, intended to encourage innovation. Taking advantage of the changing regulatory posture without running afoul of traditional supervisory concerns, whether related to prudential standards or consumer protection, takes careful calibration of risk and reward.

Buckley Sandler relies upon its extensive knowledge of financial services regulation and supervision, including matters related to formation, capitalization, charter, and structure, to guide our clients in implementing their business models and realizing their strategic vision. Our attorneys have helped clients obtain dozens of bank charters. We have advised marketplace lenders, payment companies, virtual currency entities, and other fintech companies in determining ownership structures that apportion risk and economic opportunity, allay regulatory concerns, and support business goals. We also assist our clients on regulatory applications and other formation and structure activities, and in transactional matters that position them for growth.

Our work in this area includes:

- Applications and approvals pertaining to the Bank Holding Company Act, Bank Merger Act, and Change in Bank Control Act
- Corporate reorganizations, including going-private transactions
- New banking and nonbanking powers and the formation of bank holding companies and financial holding companies
- Mergers and acquisitions
- Chartering foreign banks and establishing financial companies in the U.S.
- Securities transactional work related to public and private offerings, stock repurchases, reverse stock splits, tender offers, proxy contests, stock acquisitions, and purchase and assumption transactions

- Acquisition of nonbank companies (such as insurance agencies and mortgage companies) and entry into joint ventures, and other banking and nonbanking activities